

AUG 1 2014

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, HONG  
KONG  
BY                      DEF GLK

**RESPONSE TO MOTION TO  
DISMISS**

FILE NO 7:14 CV 44-D

[illegible]

## **Summary of the Plaintiff's Argument of Sustainable Facts**

- Case 7:14-cv-00044-D Document 23 Filed 08/01/14 Page 1 of 4

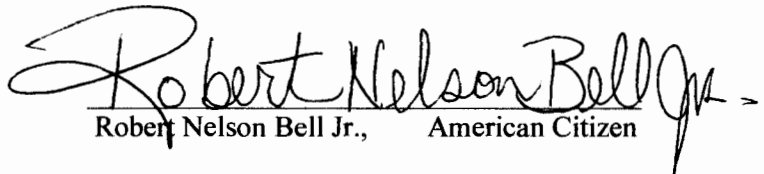
3. Unreasonable Search of Plaintiff's Person (42 .S.C.1983). While incarcerated, Plaintiff was intimidated and subjected to an unreasonable search of his bodily person which clearly violated Plaintiff's Fourth Amendment Right.
4. Unreasonable Search of Plaintiff's Affects (42 .S.C. 1983) whereby Defendants searched without cause or search warrant Plaintiff's personal belongings which clearly violated Plaintiff's Fourth Amendment Right and established laws.
5. Unreasonable Search of Plaintiff's residence without due process (43 .S.C. 1983) whereby Defendants unreasonably entered Plaintiff's residence absent of any due process or search warrant clearly violating Plaintiff's Fifth and Fourteenth Amendment rights and established laws.
6. Plaintiff was the victim of excessive Assault and Battery and Defendants did willfully and intentionally forcibly seize, contact, subdue, tase and kick Plaintiff's body, head & face repeatedly by multiple Sheriff's Deputies.
7. Defendants have a legal duty to prevent and refrain from conduct that deters, suppresses or otherwise breaches Plaintiff's constitutionally protected rights. Defendants disregarded established laws regarding how public servants conduct themselves with respect to the people and citizens of the United States. Because of the foregoing, Defendants were the actual and proximate cause of all injury suffered by Plaintiff. Subsequently, Plaintiff suffered odium, emotional distress including but not limited to severe depression, frustration, isolation, loss of self-worth, humiliation, loss of sleep, loss of business & ultimately, attempted suicide.
8. Plaintiff was the victim of False Imprisonment by Defendants. Plaintiff was unreasonably physically detained, imprisoned and confined violating his Civil Freedom Rights and established laws.

9. Defendants conduct was grossly unreasonable, unjustified and excessive considering the circumstances and nature of the original 911 call which was to have a violent, belligerent & aggressive female removed from my property.

Furthermore, a subpoena is being processed to obtain the names of the other unidentified responding Sheriff Deputies of Squad "B" who responded to the residence on March 4, 2011. Prior requests directed to the Sheriff's Department for this information (before the statute of limitation) was ignored. I would therefore ask the court for some leniency in obtaining the names of the Deputies and to allow them to continue to be named in this complaint.

Respectfully Submitted,

All Rights Reserved

  
Robert Nelson Bell Jr., American Citizen

129 Cliffside Drive

Wilmington, North Carolina 28412

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the **RESPONSE TO MOTION TO DISMISS** was personally filed with the Clerk of Court in New Hanover County and mailed by First-Class Mail, postage prepaid, to Defendant(s) council at the address listed below.

SUMRELL, SUGG, CARMICHAEL, HICKS & HART, P.A.  
P.O. Box 889  
New Bern, North Carolina 28563

This the 1<sup>st</sup> day of August 2014

By: Robert Nelson Bell, Jr  
129 Cliffside Drive  
Wilmington, NC 28412

A handwritten signature in cursive script that reads "Robert Nelson Bell Jr," with a comma at the end.